Haskell, 97 Pac. 590. The statute was attacked by the plaintiff bank on the ground that it impaired its contract rights under its charter, and that it resulted in taking property without due process of law. As the constitution of Oklahoma reserved the right to the State to after, amend or revoke all charters, there was plainly no basis for the plaintiff's first contention, and as the act applied only to banks incorporated under the laws of the State, the same constitutional provision disposed of the second contention,—in other words, the levy of an assessment equal to 1 per cent of the average deposits of a bank for the purpose of making a fund from which depositors in insolvent banks could be repaid their deposits, amounted to nothing more than amending the charters of all banks incorporated by the State. The Supreme Court of Oklahoma accordingly held the act in question not in conflict with either the State or Federal constitution. The opinion of the court, delivered by Williams, C. J., contains an extensive review of the authorities with reference to the powers belonging to the States to control corporations organized under their laws.—National Corporation Reporter.

Right to Waters Underlying Land.—A somewhat novel question was presented in Hathorn *v.* National Carbonic Gas Company, 112 N. Y. Supp. 374. A statute of New York prohibited pumping or otherwise drawing by artificial appliances from any well made by drilling into the rock, certain mineral waters, etc., for the purpose of extracting and vending the gas separate from the water. The statute seems to have been made to order for the benefit of certain persons owning mineral springs at Saratoga, and drawing their water from the same general subterranean reservoir. The contention of the defendant was that it had the right to draw in any way it saw fit all of the water that came into its well, even though that proceeding resulted in drawing all of the water from the common reservoir. It is difficult to concur in the opinion of the New York Court, upholding the statute. Certainly, at common law, if the wells of A and B tapped the same sources of supply, neither could restrain the other from drawing from his well to any extent that he saw fit, and if the supply was not sufficient for both of them, the one who was most diligent in appropriating it would acquire a good title to it. The same principle has been followed, we believe, in all of the States with reference to oil and gas, no effort having been made so far as we know to restrain the appropriation by the owner of one well of all the oil or gas that he could get by pumping, dynamiting, etc.—National Corporation Reporter.

Disbarred Attorney Disqualified from Acting as State's Attorney.—In an interesting opinion handed down by the Supreme Court of South Dakota in Danforth *v.* Egan, 119 Northwestern Reporter, 1021,

the right of a disbarred attorney to take office as state's attorney is considered. Defendant Egan received a majority of the votes cast for state's attorney in his county, and was given a certificate of election. He had formerly been a licensed attorney in the state, but was disbarred from practicing therein shortly before his election. It was practically admitted that the judgment of disbarment would prevent his appearance in the courts of record in the state, but it was claimed that this duty might be performed by a deputy. The court held, however, that defendant could not be allowed to dictate and oversee this important part of the work of his office while prohibited from performing it in person. It was also alleged that under the Constitution the only qualification imposed was that the state's attorney should be "learned in the law," and consequently need not be an attorney at all. The court says that the use of the word "attorney" in the title of the office, "state's attorney," definitely indicates that the office should only be filled by one regularly admitted to practice in the courts, and that the phrase "learned in the law" includes an acquaintance with rules of conduct commonly known as "legal ethics;" that, it having been judicially determined that appellant had disobeyed these rules, it would be conclusively presumed that their violation had been through ignorance; and that, therefore, the judgment of disbarment practically decided that defendant was certainly not learned in that branch of the law.

Intoxicating Qualities of Malt Liquors Need Not Be Shown.—John Luther was convicted in a District Court of Nebraska of the unlawful keeping and sale of malt liquors without license. On appeal to the Supreme Court, his conviction was reversed (Luther *v.* State, 114 Northwestern Reporter, 411) because it was not shown that the liquors sold were intoxicating in character. The attorney general filed a motion for rehearing, which was granted, and in an opinion reported in 120 Northwestern Reporter, 125, the Supreme Court reverses its former holding, and decides that under the law forbidding the sale of "malt, spirituous, or vinous liquors, or any intoxicating drinks," it is not necessary for the state to prove intoxicating qualities of malt liquor in order to sustain a conviction.

Sunday Baseball.—An interesting history of the National American game is given by the Supreme Court of Kansas in State *v.* Prather, 100 Pacific Reporter, 57. A statute of Kansas provides punishment for "horse racing, cockfighting, or playing at cards or game of any kind on the first day of the week, commonly called Sunday." Prather was charged with playing baseball on Sunday, and convicted of an offense under this statute. He contended that the word "game" as used in the statute should be construed only to include sports of a similar character to those specifically enumerated, and should therefore be held to exclude baseball. The Supreme Court takes the same